

REMARKS

Reconsideration is requested.

Claims 1-36, 44-61, 64-71, 74-76, 83-86, 89-97, 99-100 and 102-110 have been canceled, without prejudice.

Claims 42, 43 and 79 have been withdrawn from consideration. Claims 80-82 and 87-88 as amended above however define methods. Rejoinder and allowance of method claims with allowable product claims are requested.

Claims 37-41, 62-63, 72-73, 77-78, 80-82, 87-88, 98 and 101 are under active consideration.

Basis for the amendments of claim 37 (and 79) may be found, for example, on page 13, lines 21-26 and Example 10 (ELISA) and on page 14, lines 5-7 and Example 9 (LIA) of the specification. No new matter has been added.

The Section 112, first paragraph "written description", rejection of claims 44-47 and 83-86 is moot in view of the above amendments.

The Section 102 rejection of claims 36-38, 40, 41 and 76 over Seidel (U.S. Patent No. 6,036,579), is traversed. Reconsideration and withdrawal of the rejection are requested as Seidel et al. does not teach the requirement to add a reducing agent in the specific steps as recited in the amended claims. The amended claims therefore are submitted to be novel over Seidel et al. and withdrawal of the Section 102 rejection is requested.

The Section 103 rejection of claims 36-41, 44-47, 76 and 80-86 over Seidel in view of Leroux-Roels is traversed. The Section 103 rejection of claims 36-41, 44-47, 62, 63, 76, 87 and 88 over Seidel in view of Figard (U.S. Patent No. 5,616,460), is

traversed. The Section 103 rejection of claims 76-78, 104 and 108-110 over Seidel in view of Icardi et al is traversed. Reconsideration and withdrawal of the rejections are requested as the combinations of cited art fail to teach or suggest the presently claimed invention. Specifically, Seidel et al. does not teach or suggest the specific steps of the claims during which a reducing agent needs to be present in order to obtain an efficient HCV NS3 immunoassay and the secondary references fail to cure this deficiency. The claims are submitted to be patentable over Seidel et al. and Seidel et al. combined with Leroux-Roels or Figard et al. or Icardi et al. Withdrawal of the Section 103 rejections is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

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